



# consumer register

A supplement to Consumer News

Vol. 5, No. 13, July 1, 1975

## Register results

The following regulations or standards have been issued by Federal agencies. They have all previously been summarized in CONSUMER REGISTER as proposals. The extent of consumer comment is reported when such information is available.

● **Health, Education & Welfare Dept. (HEW)** has implemented its grant program to provide grants to public & nonprofit private groups in an effort to learn more about sudden infant death syndrome (SIDS). Details—*Federal Register*: June 6, page 24436; April 1; page 14626; March 5, page 10318. CONSUMER REGISTER: April 1 & April 15.

● **Food & Drug Administration (FDA)** has defined the term "hypoallergenic." Beginning July 7, FDA will require manufacturers of hypoallergenic cosmetics to substantiate their claims or stop making those claims on cosmetic labels. Manufacturers who now label their cosmetics as hypoallergenic have 2 years in which to prove their products cause "significantly fewer adverse reactions in human subjects than similar-use competitive products." FDA received 33 comments—4 in favor of the proposal, 11 neither for nor against, 15 expressing criticism or against proposal & 3 asking that the term "hypoallergenic" be banned. Details—*Federal Register*: June 6, page 24442; Feb. 25, 1974. CONSUMER REGISTER: April 15, 1974.

● **Effective June 23, Food & Drug Administration (FDA)** banned the sale of turtles & turtle eggs. FDA said existing certification requirements for shipping disease-free turtles have not prevented the spread of salmonella & arizona organisms, which can cause severe gastrointestinal infections. FDA estimates that as many as 210,000 cases of salmonellosis each year in the U.S. are associated with pet turtles. FDA received 248 comments on the proposals, including comments from consumers, consumer groups, government officials, industry & professional groups. One hundred twenty-eight comments were in favor of banning the sale of small turtles. Details—*Federal Register* May 23, page 22543; May 28, 1974, page 18463; Nov. 18, 1972, page 24670; April 7, 1972, page 7005. CONSUMER REGISTER: July 1, 1974; Dec. 15, 1972; May 15, 1972.

## Missing person file

Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) is setting up a computerized missing person file. This file will be separate from NCIC's "Wanted Person" file & will specifically identify the individual as a missing person & not as a person for whom an arrest warrant is outstanding.

Criteria for entering a missing person record into the file will be:

● A person of any age who is missing & who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal & immediate danger.

● A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.

● A person of any age who is in the company of another person under circumstances indicating that his physical safety is in danger.

● A person who is declared unemancipated—still under parental or other care—as defined by the laws of his state of residence & does not meet any of the entry criteria set forth above.

At the time a missing person's record is entered into the file, the entering agency must have documentation—from a source other than the investigating policy agency—supporting the stated conditions (using NCIC criteria) under which the person is declared missing. This documentation will assure that the right to privacy of the individual will not be violated. Once the person is located, the information will be removed from the file. NCIC expects the file to be in operation in October, 1975.

Details—*Federal Register*: May 20, page 22279.

## Zirconium

Sept. 3 is deadline for comments on Food & Drug Administration's (FDA) proposal to ban zirconium from drug & cosmetic aerosol products because an expert advisory panel said zirconium is not safe for use in aerosol antiperspirants.

Zirconium is often used to inhibit perspiration. When inhaled, some forms of zirconium have been shown to cause lung disease in animals. Panel also concluded that cream, lotion or roll-on antiperspirants containing zirconium are reasonably safe.

IF FDA issues this proposal as a final regulation, FDA will stop the sale of all drug & cosmetic products containing zirconium until the safety & effectiveness of zirconium are proved. FDA does not at this time expect to recall products already in stores.

Details—*Federal Register*: June 5, page 24328. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

## Mobile homes

Consumers & others have at least until July 29 to comment on Federal Trade Commission's (FTC) proposal to regulate mobile homes sales & services.

In 1974, according to Manufactured Housing Institute, there were 4.3 million mobile homes in the U.S. that were used as primary dwellings. FTC says it has reason to believe that mobile home warranty performance is often not as good as the warranty is represented to be—that many mobile home buyers who need warranty service

have to wait too long for the service or else the service they do get is unsatisfactory.

FTC described certain practices that might be deceptive & unfair in relation to mobile homes sales & service, such as: (1) misrepresenting the true size of a mobile home; (2) delegating substantial warranty responsibilities to third parties without assuring that those responsibilities are lived up to; (3) using certification seals that imply a particular mobile home complies with construction codes & standards; & (4) using disclaimers, limitations & exclusions of expressed & implied warranties in states where such exclusions are unenforceable.

FTC would like comments on how consumers can be protected from moving into seriously defective homes (by pre-delivery inspection & reinspection within 90 days) & how consumer warranty complaints should be handled. Present proposed rule does not include a requirement that a mobile home setup (foundation) be warranted. FTC would also like comments on whether the rule should be revised to include such a requirement because it says allegations have been made that a high percentage of problems is due to faulty setups.

Details—*Federal Register*: May 29, page 23334. Send comments to "Mobile Home Comment," Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, DC 20580.

## Prescription drugs

Consumers & others have at least until Aug. 4 to comment on **Federal Trade Commission's (FTC)** proposals to permit drug stores to advertise prescription drug prices.

The proposals, if adopted, would lift the bans on price advertising. Most states have laws or codes of ethics that restrict disclosure of prescription drug price information; national organizations restrict such disclosures, too.

The rules, if adopted, would:

- Allow disclosures of accurate prescription drug price information by pharmacists to consumers.
- Eliminate restraints, burdens or controls imposed on prescription drug price advertising by private, state & local government action.
- Define as unfair practices private attempts to restrict any retail pharmacy from disclosing or advertising prescription drug prices.
- Override any non-Federal law or regulation which prohibits advertising of accurate price information regarding prescription drugs.

FTC is asking for comments on specific issues, including whether it should require:

- All pharmacists to answer telephone requests for prescription price information.
- All pharmacists to have a "point-of-purchase" sign telling consumers that prices vary from pharmacy to pharmacy & that consumers should compare prices.
- Any pharmacist who implies by an ad that he sells drugs to place a message in that ad telling consumers that prices vary & that they should compare prices.

Details—*Federal Register*: June 4, page 24031. CONSUMER

NEWS: July 15, 1974 & Jan. 1, 1973. Send comments to "Prescription Drug Price Comment," Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, DC 20580.

## Fish inspection

July 30 is deadline for comments on **National Oceanic & Atmospheric Administration's (NOAA)** proposal to tell consumers about fishery product inspection program.

Unlike meat, poultry & eggs which must—by law—be inspected, there are no Federal mandatory inspection laws for fish products—although NOAA says most consumers mistakenly assume there are such laws. There has been a voluntary fishery inspection program since 1958 &, beginning in 1973, NOAA started making an all-out effort to gain more participation in this program.

Purpose of the education program is to tell consumers & others about the advantages & availability of inspected fish products. NOAA has 2 kinds of stamps. One is round & says "Packed under Federal Inspection, Department of Commerce, National Marine Fisheries Service." This means the product is clean, wholesome & is processed under Federal standards. The other stamp designates U.S. grade, such as A, B or C. NOAA would like to receive comments from consumers on what kinds of educational material they feel are needed & what they would like to know about the inspection program.

Details—*Federal Register*: April 28, page 18480. Send comments to Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration, Commerce Dept., Washington, DC 20235.

## Advertising practices

Consumers & others have at least until July 21 to comment on **Federal Trade Commission's (FTC)** proposed guides concerning use of endorsements & testimonials in advertising. [Guides on other aspects of this matter were adopted May 21. CONSUMER REGISTER: June 15.]

The first proposed guide requires that every endorsement reflect the honest views of the endorser & would prohibit statements that could not be supported if presented in the advertiser's words rather than the endorser's.

The second proposed guide deals with consumer endorsements & says that endorsements reflecting the experience of an individual consumer will be interpreted as representing the typical performance of the product under circumstances like the ones shown. (If professional actors are used & represent themselves as actual consumers, that fact must be disclosed.)

The third proposed guide requires disclosure of any "connection" between endorser & seller of advertised product that might affect the credibility of the endorsement—such as a former astronaut who owns stock in a motel & then endorses the motel.

Details—*Federal Register*: May 21, page 22146. Send comments to Assistant Director, Division of National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

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## Rate Register

### Planes

● July 10 is deadline for comments on Civil Aeronautics Board's (CAB) proposal to amend its rules to require airlines to give more simplified information about the availability & limitations of various discount fares.

CAB says there are so many choices available that travelers have difficulty knowing what the best buy for them might be. Also, there are restrictions that should be brought to consumers' attention. In this connection, the Aviation Consumer Action Project (ACAP), a nonprofit organization, asked CAB to change its rules because the many recent discount fares "resulted in a dizzying array of airline prices that are being advertised by use of eye-catching labels."

Presently, airlines are required to publish their own fares at the place tickets are sold & at CAB's office. There is no obligation on the part of reservation clerks & travel agents to tell travelers about available discounts.

CAB wants to consider alternative ways to give consumers this information. Some methods are:

(1) Requiring each airline to publish & disseminate simplified statements describing their fares, along with any conditions that apply, for travel between each city-pair market the airline serves.

(2) Requiring each airline to publish & disseminate a summary description of its discount fares & their respective conditions, possibly along with a table of sample comparisons with normal fares.

(3) Requiring each airline to compile & disseminate copies of tariff pages showing the entire list of fares in designated markets.

(4) Requiring that specific information be included in advertising by the airline.

CAB is also considering setting up an advisory committee to guide the commission in amending its rules. It would be composed of members of industry, consumer organizations & government agencies.

Details—*Federal Register*: page 24740. Send comments to Docket Section, Civil Aeronautics Board, Washington, DC 20428.

● National Airlines' "no-frills" discount air fare, which was in effect from April 14 through June 30, will resume after Labor Day even though National reported

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an 8% decline in May passenger traffic. (American, Delta, Continental & Eastern Airlines have similar "no-frills" plans—also scheduled to resume after Labor Day [RATE REGISTER: April 15]).

## Mail

● On June 17, Postal Service (PS) urged the Postal Rate Commission (PRC) to reject the initial decision of PRC's chief administrative law judge that would increase mail rates for some classes of mail & reduce rates for other classes of mail [RATE REGISTER: June 15]. PS said the judge's decision would "call upon the taxpayer to contribute over 350 million additional dollars to PS as a substitute for ratepayer revenues." PS also said that the savings promised by the recommended 8½¢ stamp for first class mail "are illusory in that they would be wiped out by a 67% increase [not 57%, as reported in June 15 RATE REGISTER] in rates for mailing parcels, increases passed along to subscribers by publishers & an average increase of approximately \$3 in individual income taxes."

● **Postal Service (PS)** has announced that it will ask for another rate boost, but it may not do this until **Postal Rate Commission (PRC)** establishes permanent rates. [Existing postal rates are "temporary" rates—set early in 1974—that are still under review by PRC.] PRC expects to make a decision by early August.

● Effective July 6, Postal Service (PS) will place in effect the fourth step of phased postage rate increases at temporary rate levels for: second class; controlled circulation; third-class bulk mail for qualified nonprofit organizations; special fourth-class; & library fourth class. This action is the next step of scheduled rate increases for classifications of mail to be phased in over a period of 8 or 16 years, depending on particular mail classification involved. The 1970 Postal Reorganization Act calls for a yearly phasing-in of these classes of mail in order to ease the burden on mailers as subsidies are reduced. Details—*Federal Register*: June 9, page 24577.

## Trains

● Beginning today, Amtrak (National Railroad Passenger Corp.) is putting into effect selective fare increases along the eastern seaboard & on first class travel on its western routes.



